



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re patent application of: CHARPENTIER ET AL.

Serial No.: 09/714,524

Filed: November 17, 2000

For: METHOD AND DEVICE FOR CONTROLLING THE THICKNESS OF A LAYER OF AN INTEGRATED CIRCUIT IN REAL TIME

Examiner: B. Kebede

Art Unit: 2823

Docket #: P06983US00/RFH

COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

SIR:

Attached is:

- a response after Final Rejection dated
☒ a response to the Office Action dated May 6, 2003
..... a Preliminary Amendment
..... a Petition for an extension of time
..... Other:

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Fees: For claims if required and/or other fees as shown below:

	NOW	Previously Paid For	Present Extra	Rate	\$
<input checked="" type="checkbox"/> TOTAL CLAIMS	8	20	0	X \$ 18 =	
<input checked="" type="checkbox"/> INDEP. CLAIMS	2	3	0	X \$ 84 =	
TOTAL OF ABOVE CLAIMS FEES =					0
Reduction by ½ for small entity status of applicant					
SUBTOTAL =					0
Fee for extension of time (per attached Petition)					
Other fee for					
TOTAL OF ALL FEES =					0

..... A check in the amount of \$0 is enclosed. If no check or an insufficient check is enclosed and a fee is due in connection herewith, the Commissioner is authorized to charge any fee or additional fee due in connection herewith to Deposit Account No. 12-0555.

- ☒ In the event that a petition for extension of time is required to be submitted herewith and that a separate petition is not submitted herewith, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee is authorized above.

Respectfully submitted,

By: Ross F. Hunt, Jr.

Registration No.: 24,082

Date: May 29, 2003

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Patent *arg*

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Art Unit: 2823

For: METHOD AND DEVICE FOR CONTROLLING THE
THICKNESS OF A LAYER OF AN INTEGRATED
CIRCUIT IN REAL TIME

Docket #: P06983US00/RFH

RESPONSE

Commissioner for Patents
Washington, D.C.

S I R:

Responsive to the Office Action mailed on May 6, 2003, and to the requirement for restriction set forth therein, applicant hereby elects claims 10-15, with traverse.

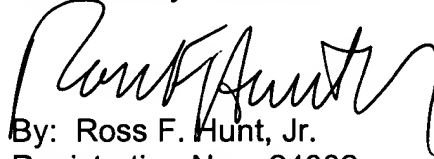
According to the Office Action, the apparatus claimed in claim 16 "can be used to practice another and materially different process" and that the process claim can be "practiced by another materially different process or by hand." As an example, the Examiner contends that the "process of Group I can be performed by apparatus (device) which is equipped with infrared laser (IR) to measure the thickness of the layer being processed." With all due respect, this example is not understood. Claim 10 recites, inter alia, "measuring an amplitude of light generated by the engraving reaction, in a selected spectral portion comprising said at least one spectral component" while claim 16 recites, inter alia, "means for measuring an amplitude of light emitted by the engraving reaction, in a selected spectral portion comprising said at least one spectral component." Thus, as is apparent, the measuring means of the apparatus claim is simply the "means" counterpart of the measuring step of the process or method claim. In this regard, while it is agreed that the process of Group I can be performed by apparatus which is equipped with an infrared laser to measure the thickness of the layer being processed, it is clear that, similarly, the apparatus of Group II can also include a device which is equipped with an infrared laser to measure the thickness of the layer

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being processed. M.P.E.P. 806.05(e) clearly provides that if the "apparatus claims include a claim to 'means' for practicing the process, the claim is a linking claim and must be examined with the elected invention. If it is ultimately allowed, rejoinder is required." This is precisely the situation here and it is quite clear that claim 16 must be examined along with method claims 10-15. Accordingly, examination of claim 16 is respectfully requested and, as indicated above, if claim 16 is found allowable, claim 17 must also be rejoined.

Further and favorable action is respectfully solicited.

Respectfully submitted,


By: Ross F. Hunt, Jr.
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Date: May 29, 2003

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